

## **Assembly Bill No. 1837**

### **CHAPTER 229**

An act to amend Section 3190 of the Family Code, relating to children.

[Approved by Governor August 3, 1998. Filed with  
Secretary of State August 4, 1998.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

**AB 1837, Alquist. Children.**

Existing law authorizes the court to require parents and minor children involved in custody or visitation disputes to participate in specified outpatient counseling if the dispute between the parents or between a parent and the child poses a substantial danger to the best interest of the child and the counseling is in the best interest of the child.

This bill would revise the above described provision to authorize the court to require the parents or any other party involved in such a dispute, and the minor child, to participate in counseling if the dispute between the parents, the parent and child, the parents and another party seeking custody or visitation, or between a party seeking custody and visitation rights and the child poses a substantial danger to the best interest of the child and counseling is in the child's best interest. It also would require a court, in determining if a dispute poses a substantial danger to a child, to consider, among other factors, any history of domestic violence, as specified, between the parents, the parent or parents and child, the parent or parents and a party seeking custody or visitation rights, or that party and the child.

*The people of the State of California do enact as follows:*

**SECTION 1.** Section 3190 of the Family Code is amended to read:

3190. (a) The court may require parents or any other party involved in a custody or visitation dispute, and the minor child, to participate in outpatient counseling with a licensed mental health professional, or through other community programs and services that provide appropriate counseling, including, but not limited to, mental health or substance abuse services, for not more than one year, provided that the program selected has counseling available for the designated period of time, if the court finds both of the following:

(1) The dispute between the parents, between the parent or parents and the child, between the parent or parents and another party seeking custody or visitation rights with the child, or between

a party seeking custody or visitation rights and the child, poses a substantial danger to the best interest of the child.

(2) The counseling is in the best interest of the child.

(b) In determining whether a dispute, as described in paragraph (1) of subdivision (a), poses a substantial danger to the best interest of the child, the court shall consider, in addition to any other factors the court determines relevant, any history of domestic violence, as defined in Section 6211, within the past five years between the parents, between the parent or parents and the child, between the parent or parents and another party seeking custody or visitation rights with the child, or between a party seeking custody or visitation rights and the child.

(c) Subject to Section 3192, if the court finds that the financial burden created by the order for counseling does not otherwise jeopardize a party's other financial obligations, the court shall fix the cost and shall order the entire cost of the services to be borne by the parties in the proportions the court deems reasonable.

(d) The court, in its finding, shall set forth reasons why it has found both of the following:

(1) The dispute poses a substantial danger to the best interest of the child and the counseling is in the best interest of the child.

(2) The financial burden created by the court order for counseling does not otherwise jeopardize a party's other financial obligations.

(e) The court shall not order the parties to return to court upon the completion of counseling. Any party may file a new order to show cause or motion after counseling has been completed, and the court may again order counseling consistent with this chapter.

